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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,705	10/29/2003	Yu Zheng	PAT-1536	5550
7590		04/17/2008		
Raymond Sun 12420 Woodhall Way Tustin, CA 92782				
			EXAMINER DONNELLY, JEROME W	
			ART UNIT 3764	PAPER NUMBER
			MAIL DATE 04/17/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/695,705

Applicant(s)

ZHENG, YU

Examiner

Jerome W. Donnelly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Abel.

Abel discloses a device comprising a coiled wire supporting a covering made of mesh, said mesh having holes.

In regard to claim 3, Abel discloses a device having a first end with an opening.

In regard to claims 4, 5 and 8 Abel discloses a tie member (42) tie members 63 and tie members 62, which are located between the end of container member 20.

In regard to claim 7 and as broadly claimed element 30 represents a helical track.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abel in view of Peska.

Abel discloses the device of claim 6 substantially claimed absent the device including a wall on a first end, said wall having an opening.

Peska discloses a device having a top wall on a first end, said wall having an opening. Peska discloses that it is desired to have opening within a device such as the

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opening in the top panel of a device for the purpose of placing objects into the container. Peska also points out that openings may be placed in other places on his device such as the side walls, walls of his device (see col. 3, lines 25-36).

Given the above teachings the examiner notes that it would have been obvious to one of ordinary skill in the art to provide a top wall, an opening in the wall, openings in the side wall or any combination thereof, for the purpose of allowing and removal of items therefrom.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McMahan et al in view of Abel and further in view of Joo-Tai.

McMahan et al disclose a basket ball goal assembly mounted on a first end of a container.

Joo-Tai discloses a container capable of accepting a goal.

Abel discloses a collapsible container made of open weave net material, which inherently has openings.

Given the above teachings the examiner notes that it would have been obvious to one of ordinary skill in the art to mount the device of McMahan et al on a container such as Abel for the purpose of providing an alternate mounting for the device of McMahan et al and to provide portability to the device. The examiner further notes to manufacture containers such as Abel of open net material such as Joo-Tai is obvious in the art of containers.

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Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571)272-4975.

Jerome Donnelly

JEROME DONNELLY
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Jerome Donnelly', written over the printed name and title.